



City of Santa Barbara
Parks and Recreation Department

Memorandum

DATE: May 18, 2011

TO: Creeks Restoration/Water Quality Improvement Program
Citizen Advisory Committee

FROM: Jim Rumbley, Code Enforcement Officer

SUBJECT: Enforcement Program Update

COMMITTEE DIRECTION – FOR DISCUSSION

That the Committee receive a presentation and discuss the Storm Water/Urban Runoff Pollution Prevention and Enforcement Program.

DISCUSSION

The overall objective of the Storm Water/Urban Runoff Pollution Prevention and Enforcement Program is to identify and eliminate sources of water pollution to the City's streets, storm drains, creeks, and ocean.

1. Enforcement Authority and Scope

The City of Santa Barbara Municipal Code (SBMC) includes ordinances that prohibit polluted runoff from entering the storm drain system and obstructions from blocking creeks. The SBMC also provides enforcement authority.

In addition to the state and National Pollutant Discharge Elimination System (NPDES) regulations, SBMC Chapter 16 (regarding the prohibition of water pollution) generally states that anything other than clean water shall not be placed into any drain, drop inlet, conduit, or natural or artificial watercourse flowing into any storm drain, creek, lagoon or other waters of the State.

However, the SBMC does exempt some discharges from the general prohibition. These include *uncontaminated* discharges from: landscape irrigation, water line flushing, potable water sources, foundation drains, footing drains, air conditioning condensate, lawn watering, crawl space pumps, individual residential automobile washing, and street washing, including sidewalk washing.

Less frequently, the Creeks Division receives reports of violations of Chapter 14 of the SBMC Municipal Code, which prohibits obstructions in the creeks. Debris, garbage, rubbish, trash, brush, timber, waste products, or any combustible or incombustible material, which obstructs, prevents, diverts or tends to obstruct, prevent or divert the normal, natural or ordinary flow of water may all be considered obstructions. This chapter of the SBMC also prohibits obstructions that result from placing fill material in a creek or from constructing buildings or structures in the creeks.

2. Enforcement Process

Staffing and Coordination:

Illicit discharges and creek obstructions are detected and reported by Creeks Division staff, other City and County staff, as well as community members who call the enforcement line (897-2688). The enforcement line is monitored during the Creeks Division's regular business hours.

Presently, the Creeks Division has one Code Enforcement Officer responding to the majority of illicit discharge and obstruction reports. Three additional staff members are trained and available to respond to reports when needed.

The Creeks Division coordinates enforcement efforts with Environmental Services, Wastewater, Water Supply, Building & Safety, and other City staff who enforce other sections of the SBMC. The Creeks Division also coordinates with County Project Clean Water staff when cases fall outside of the City limits.

Response:

When violations are reported, Creeks Division staff investigates to assess whether the discharge is a violation of the SBMC. Staff's goal is to respond as quickly as possible after the report of a violation is received in order to observe the violation while it is still occurring. So far in Fiscal Year 2011, staff has responded on the same day that reports were received over 98% of the time and by the next business day 100% of the time.

When staff observes a discharge occurring, enforcement involves communicating to those responsible for the discharge (discharger) that their actions are a violation of the SBMC. Staff requires the discharger to immediately abate the discharge when possible and almost always stays on-site until the discharge is abated. In rare instances staff is unable to stop a discharge and staying on-site does not help to achieve abatement.

Creating an Enforcement Case-- Issuing a Notice of Violation:

When evidence of a Municipal Code violation is observed, staff sends a Notice of Violation (NOV) warning letter (1st offense within 12 months) or a citation (2nd+ offense within 12 months) to the property owner where the discharge occurred, and copies of the letter are sent to any tenants or contractors involved.

In most cases there is not abatement deadline, since violations are almost always abated while staff is present. When there is an abatement deadline (mostly for obstruction violations), the time period ranges from 2-7 days depending on the violation and estimated time for cleanup. An Administrative Citation can be issued if the abatement deadline given in the NOV is not met and/or it is a documented repeat violation. The fine structure of the Administrative Citation Program is shown in the table below.

Enforcement Stage	1st Offense	2nd Offense (within 12 months)	3rd Offense (within 12 months)
Initial	Warning	\$200 fine (no warning)	\$250 fine (no warning)
1st missed deadline	\$100	\$200 fine per day	\$250 fine per day
2nd missed deadline	\$100 per day	\$200 fine per day	\$250 fine per day
3rd missed deadline	Referral to City Attorney or Regional Water Board	Referral to City Attorney or Regional Water Board	Referral to City Attorney or Regional Water Board

Many enforcement responses that are investigated do not result in a Notice of Violation. Reasons for this include:

1. No violation was found. The discharge is exempt under the municipal code such as air conditioning condensate or residential car washing.
2. The discharger cannot be found. Illegal dumping cases make up a majority of these instances.
3. Violation falls under the jurisdiction of another department or agency and the case is transferred.

Tracking:

All reported violations are tracked in a spreadsheet and NOVs are tracked in a separate city-wide database system.

Appendix A. Enforcement Data

The table below shows enforcement data for Fiscal Year 2008, Fiscal Year 2009, Fiscal Year 2010, and the first three quarters of Fiscal Year 2011.

	FY 2008	FY 2009	FY 2010	FY 2011
# of reported violations	290	190	202	166
NOVs issued	70	58	68	63
Citations issued (fines total in \$)	5 (\$500)	3 (\$300)	6 (\$1200)	7 (\$1350)
# of reported violations receiving same day enforcement response	224 (77%)	136 (72%)	191 (95%)	163 (98%)